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6 WAL-MART STORES, INC. and  
7 SUHARD MEHTA

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11 Attorneys for Plaintiff  
12 JOSEPH MARKETTE

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF THE UNITED STATES

17 JOSEPH MARKETTE,

} Case No. C 05-02173 MJJ

18 Plaintiff,

} STIPULATION AND [PROPOSED]  
19 v. ORDER FOR CONTINUANCE OF  
20 WAL-MART STORES, INC., SUHARD  
21 MEHTA; and DOES 2-25, inclusive  
22 Defendants.

} TRIAL AND EMERGENCY  
SETTLEMENT CONFERENCE

24 TO THE COURT AND ALL PARTIES:

25 Plaintiff JOSEPH MARKETTE and Defendants WAL-MART STORES, INC. and  
26 SUHARD MEHTA, by and through their respective attorneys of record, herein agree and  
27 stipulate to a continuance of the trial date and Court-ordered emergency settlement conference  
28 as good cause exists for the continuance of both, as described below.

1 IT IS HEREBY STIPULATED by and between the parties through their attorneys of  
2 record that the trial date be continued for a date convenient to the Court after January 15, 2007.  
3 Both parties are available for trial on January 16, 2007 and January 23, 2007. Following the  
4 February 21, 2006 Case Management Conference, at which time the Court scheduled the trial  
5 for December 11, 2006, attorneys for Defendants consulted their clients and were informed that  
6 a trial date in mid-December would pose significant scheduling issues for Defendant SUHARD  
7 MEHTA and other key witnesses who work for WAL-MART STORES, INC. Mid-December  
8 is the height of the busy holiday shopping season for WAL-MART STORES, INC. As the  
9 Store Manager of the Martinez, California Wal-Mart Store, Defendant SUHARD MEHTA is  
10 indispensable to the Store during this peak shopping and is therefore unable to attend trial on a  
11 daily basis at this time. Defense witness Jody Stowers, a necessary witness, is also a Wal-Mart  
12 Store Manager whose presence at the Store during this season is critical. Attorneys for Plaintiff  
13 agree to a continuance as their sole assistant has a pre-arranged vacation scheduled from mid-  
14 December 2006 to early January 2007.

15 IT IS FURTHER STIPULATED that the Emergency Settlement Conference referred to  
16 Magistrate Edward Chen be continued to a date after April 15, 2006. In the upcoming month,  
17 Magistrate Chen is available only on March 14, March 16 and March 17 of 2006. None of  
18 these dates are mutually available for the parties and their attorneys. The attorneys are  
19 available for the settlement conference as follows: April 17, 18, 20, and 26 of 2006.

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21 Dated: March 9, 2006

PHILLIPS, SPALLAS &amp; ANGSTADT LLP

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By:

  
Gregory L. Spallas  
Kristi A. Nguyen  
Attorneys for Defendants  
WAL-MART STORES, INC. and  
SUHARD MEHTA

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1 Dated: March 8, 2006

LAW OFFICES OF PAUL L. REIN

2 By:

3 Paul L. Rein  
4 Patricia Barbosa  
5 Julie McLean  
6 Attorneys for Plaintiff  
7 JOSEPH MARKETTE



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10 **ORDER**

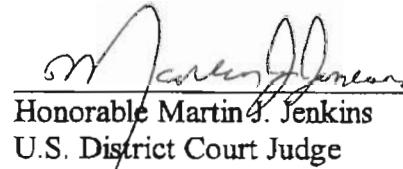
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12 Pursuant to the Stipulation, IT IS HEREBY ORDERED that the trial be continued to  
13 January 16, 2007, and that the Emergency Settlement Conference be continued  
14 to a date after April 15, 2006, with such date to be arranged with the assigned Magistrate Judge.  
15 Pre-Trial conference reset for JANUARY 9, 2007 @ 3:30 PM.

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17 Dated: 3/14/2006

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19 Honorable Martin J. Jenkins  
U.S. District Court Judge

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